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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,404	04/14/2006	John Szymanski	2-1161-011	8703
803	7590	08/29/2006	EXAMINER	
STURM & FIX LLP 206 SIXTH AVENUE SUITE 1213 DES MOINES, IA 50309-4076			ARK, DARREN W	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/595,404

Applicant(s)

SZYMANSKI, JOHN

Examiner

Darren W. Ark

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-27 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

## DETAILED ACTION

### *Election/Restrictions*

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species I - Figs. 1-5 (line engagement member 13 comprising coil member with 1.5 turns which are in closely spaced relationship, base of coil mounted to one end of shaft 11, other end of coil results in free end 16 offset from main body and tangential to main body, shaft 11 formed from number of lengths of flexible material which are interconnected by coupling members 21a and 21b, line retention member 15 being a resilient circular element attached to lanyard 17); Species II - device which can be used to extract hook from fish that has shortened shaft (shortened shaft without number of lengths of flexible material); Species III - Figs. 6-11 (base of coil which is attached to shaft is axially outermost and the turns of the coil are spaced from each other); Species IV - Figs. 12-15 (free end portion 16 of coil located adjacent the shaft, coil has 1.25 turns, free end portion 16 extends substantially tangentially from the coil and is spaced slightly from the previous turn); Species V - Figs. 16-20 (coil comprises a little more than a single revolution and the free end portion 16 of the coil is at the point of overlying the previous turn and is directed substantially tangentially to the coil); and Species VI - Fig.

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21 ("stand-off coil" 37 intended to be located at one or more intermediate positions along length of the shaft, circular ring 39).

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

Species I - claims 1-4, 7-17, 21, 22, 23-27;  
Species II - claims 1, 4, 7, 13-17, 21, 22, 23, 27;  
Species III - claims 1, 3, 4, 6, 13-17, 21, 23, 27;  
Species IV - claims 1, 3-5, 13-17, 21, 22, 23, 27;  
Species V - claims 1, 3, 4, 13-17, 21, 22, 27; and  
Species VI - claims 1, 4, 18-20, 22, 27.

The following claim(s) are generic: 1, 4, and 27.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Species I requires line engagement member 13 comprising coil member with 1.5 turns which are in closely spaced relationship, base of coil mounted to one end of shaft 11, other end of coil results in free end 16 offset from main body and tangential to main body, shaft 11 formed from number of lengths of flexible material which are interconnected by coupling members 21a and 21b, line retention member 15 being a resilient circular element

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attached to lanyard 17 not required in Species II-VI; Species II requires shortened shaft without number of lengths of flexible material not required in Species I or III-VI; Species III requires base of coil which is attached to shaft is axially outermost and the turns of the coil are spaced from each other not required in Species I, II, or IV-VI; Species IV requires free end portion 16 of coil located adjacent the shaft, coil has 1.25 turns, free end portion 16 extends substantially tangentially from the coil and is spaced slightly from the previous turn not required in Species I-III, V, or VI; Species V requires coil comprises a little more than a single revolution and the free end portion 16 of the coil is at the point of overlying the previous turn and is directed substantially tangentially to the coil not required in Species I-IV or VI; and Species VI requires "stand-off coil" 37 intended to be located at one or more intermediate positions along length of the shaft, circular ring 39 not required in Species I-V.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. The Examiner would also like to indicate to applicant that the status of claim 3 is questionable since it appears to be canceled in an amendment received in the

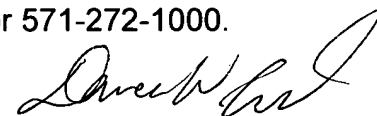
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02/01/2006 in the PCT Application No. PCT/AU04/01393, but has not been canceled in any preliminary amendment per U.S. Patent practice. The next communication should include an amendment which clearly either cancels or amends claim 3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-F, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Darren W. Ark  
Primary Examiner  
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DWA